



Comptroller General
of the United States
2
Washington, D.C. 20548

Decision

Matter of: First Federal Corporation
File: B-257603
Date: August 1, 1994

DECISION

First Federal Corporation protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. DTUM60-94-B-00001, issued by the Department of Transportation (DOT), for automatic data processing tape storage, including pick-up and delivery services. DOT proposes to award the contract for this requirement to Independent Services Corporation, the low bidder under the IFB.

The IFB was for the award of a fixed-price, indefinite quantity contract for a base period and three evaluated option periods. The IFB pricing schedule contained unit and extended price line items, based upon the estimated quantity of services required. Independent's total bid price was \$26,088, whereas First Federal's bid price was \$133,490. The wide discrepancy in the bid prices was due to the fact that First Federal applied the wrong estimated quantity in extending its unit prices for the pick-up service line items, using the number of items to be picked-up, rather than the number of pick-ups to be made. Had First Federal used the proper multiplier for these line items, its total bid price would have been \$33,440, which was still higher than Independent's bid price. Accordingly, the agency selected Independent for award as the low priced bidder under the IFB.¹

First Federal protests that the agency improperly rejected its bid as nonresponsive, because its Certification of Technical Requirements did not contain an original signature.

¹The protester asserts, on information and belief, that it was the low bidder under the IFB and that the agency miscalculated bidders' prices. We have independently calculated both bidders' prices and find that Independent was in fact the low bidder. Thus, this ground of protest lacks factual support and must be dismissed. 4 C.F.R. § 21.1.(c) (4), and § 21.2(e); Robert Wall Edge--Request for Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

We dismiss this protest on the basis that the protester is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Since there has been no challenge to the eligibility for award of the intervening bidders or offerors who would precede the protester in eligibility under this solicitation, the protester lacks the direct economic interest required to maintain a protest.

A handwritten signature in black ink, appearing to read 'G. R. Pietrovito', with a stylized flourish at the end.

Guy R. Pietrovito
Acting Assistant General Counsel